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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,362	11/16/2001	Nils O. Olsson	3993968-126973	1397

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EXAMINER

STERLING, AMY JO

ART UNIT PAPER NUMBER

3632

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,362

Applicant(s)

OLSSON ET AL.

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 7-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4,5 and 7-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for application number 09/993,362, Zero Looseness Fastener for Linkage Assembly, filed on 11/16/01. Claims 1, 2, 4, 5, 7-25 are pending.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/14/04 has been entered.

Claim Rejections - 35 USC § 102

Claims 1, 2 and 4-25 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5738475 to Chaban.

The patent to Chaban discloses a vehicle seat mounting assembly having at least one movable seat track (52), a linkage assembly having a first link (88) having a first external surface and a thickness, a first internal surface, and a first aperture (118) extending between the first external surface and the first internal surface, a second link (82) having a second external surface and a second thickness, a second internal

Art Unit: 3632

surface, and a second aperture (118) extending between the second external surface and the second internal surface, a single piece fastener (92) having a head portion (128) located on the external surface of the first link and a cylindrical body portion (134) extending therefrom and terminating at a distal end (122) opposite the head portion.

Chaban teaches a hollow rivet with a central bore having an internal diameter, wherein the central bore extends for a length less than the total length of the body portion wherein the central bore is open at the end of the body portion opposite the head portion and is closed toward the body portion and wherein the body portion is expanded outwardly within the apertures to engage the links. Chaban also shows wherein the body portion of the fastener extends through the first and second apertures and that the fastener has a length that is greater than the sum of the first thickness and the second thickness of the links such that when the internal face of the first link is placed against the internal face of the second link and the body portion is inserted through the first and second links, a segment of the body portion extends beyond the links, wherein the distal end of the body portion is plastically deformed to form a lip engaging an external surface of the second link and allows rotational movement and not linear movement wherein the lip portion locks the fastener to one of the links to prevent relative rotational movement while allowing the other link to rotate, wherein the central bore has a maximum internal diameter which extends along the central bore through the first aperture, at least half-way through the aperture, such that the body portion (126) which is plastically deformed into contact with the first link (88) near the head portion, within the first aperture to provide surface to surface contact between the body portion and the

Art Unit: 3632

first link in the first aperture which eliminates free play between the first link and the fastener.

Response to Arguments

Applicant has argued that the Chaban reference does not contain the limitation that the "central bore has a maximum internal diameter which extends along the central bore through the first aperture a distance such that the body portion is plastically deformed into contact with the first link near the head portion....which eliminates free play between the first link and the fastener" because the "hollow portion 120 of Chaban does not extend deep enough to remove free play between the rivet 92 and the movable portion", the deformation of which would destroy the lubrication reservoir. This is unpersuasive in that the body portion (at 126) may be plastically deformed at a location near the head and contact the first link to eliminate free play, while maintaining the reservoir, the contact remaining in two locations (near 118 and at 126) along the first link (88), thereby meeting the limitation. The small amount of deformation of the body would not only, not necessarily destroy the lubrication reservoir, since the reservoir is concave and a certain amount of deformation would only reduce the concavity, not destroy it.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 703-308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.

AJS
Amy J. Sterling
9/20/04


ANITA KING
PRIMARY EXAMINER